

SENATE No. 140.

Commonwealth of Massachusetts.

SENATE, March 11, 1884.

The Committee on Water Supply, to whom was referred the petition of William L. Grout and others for incorporation as the Orange Water Works, and for other purposes, report the accompanying Bill.

For the Committee,

CHAS. E. WHITING.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-Four.

AN ACT

To incorporate the Orange Water Works.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. W. L. Grout, A. French, J. W.
2 Wheeler, A. Schenck, S. L. Wiley, their asso-
3 ciates and successors, are made a corporation by
4 the name of the Orange Water Works, for the
5 purpose of furnishing the inhabitants of Orange
6 with water for the extinguishment of fires, and for
7 domestic and other purposes, with all the powers
8 and privileges, and subject to all the duties, re-
9 strictions and liabilities set forth in all general
10 laws which now are or hereafter may be in force
11 applicable to such corporations.

1 SECT. 2. Said corporation for the purpose
2 aforesaid may take, hold and convey into and
3 through the towns of Warwick and Orange, or
4 any parts thereof, the water, so far as may be

5 necessary for the purpose, of Long Pond in War-
6 wick, or North Pond in Orange, so called within
7 said towns, and the waters which flow into and
8 from the same, together with any water rights
9 connected therewith; and may take and hold, by
10 purchase or otherwise, any water rights connected
11 therewith, and any real estate necessary for the
12 preservation and purity of such waters, or for
13 forming any dams or reservoirs to hold the same,
14 or for laying or maintaining aqueducts and pipes
15 for distributing the waters so taken and held; and
16 may lay its water-pipes through any private lands
17 with the right to enter upon and dig therein for
18 the purpose of making all necessary repairs
19 or service connections; and for any of the pur-
20 poses aforesaid may carry its pipes under or over
21 any water-course, street, railroad, highway or
22 other way, in such manner as not unnecessarily to
23 obstruct the same; and may, under direction of the
24 selectmen or road commissioners, enter upon and
25 dig up any road or other way for the purpose of
26 laying or repairing its aqueducts, pipes or other
27 works, and in general may do any other acts and
28 things convenient or proper for carrying out the
29 purposes of this act.

1 SECT. 3. Said corporation shall, within sixty days
2 after taking any land or water rights under the
3 provisions of this act, file and cause to be recorded
4 in the registry of deeds for the county of Franklin
5 a description of any land or water rights so taken

6 sufficiently accurate for identification, with a
7 statement of the purposes for which they are so
8 taken, and the title of land and water rights so
9 taken shall vest in said corporation.

1 SECT. 4. Any person injured in property by
2 any of the acts of said corporation under this act,
3 and failing to agree with said corporation as to the
4 amount of damages, may have the same assessed
5 and determined in the manner provided when land
6 is taken for highways; but no application shall
7 be made to the county commissioners for the as-
8 sessment of damages for the taking of water rights
9 until the water is actually taken and diverted by
10 said corporation. Any person whose water rights
11 are thus taken or affected may apply as aforesaid
12 within three years from the time the water is
13 actually taken or diverted, but not thereafter; and
14 no suit for injury done under this act shall be
15 brought after three years from the date of the re-
16 ceipt of the alleged injury.

1 SECT. 5. Said corporation may distribute the
2 water through said town of Orange; may establish
3 and fix from time to time the rates for the use of
4 said water, and collect the same; and may make
5 such contracts with said town, or any fire district
6 that may hereafter be established therein, or with
7 any individual or corporation, to supply water for
8 the extinguishing of fires or for other purposes, as
9 may be agreed upon by said town or such fire dis-

10 trict, individual or corporation, and said corpora-
11 tion.

1 SECT. 6. Said corporation may hold real estate
2 necessary for the purposes set forth in this act;
3 and the whole capital stock shall not exceed one
4 hundred thousand dollars, to be divided into shares
5 of one hundred dollars each. Said corporation
6 may at any time issue bonds to an amount equal
7 to the capital stock actually paid in and expended
8 under this act, and secure the same by mortgage.

1 SECT. 7. If any person shall use any of the
2 water taken under the authority of this act with-
3 out the consent of said corporation, or shall
4 wantonly or maliciously divert the water or any
5 part thereof so taken, or corrupt the same, or
6 render it impure, or destroy or injure any dam,
7 aqueduct, pipe, conduit, machinery or other works
8 or property held, owned or used by said corpora-
9 tion, under the authority of, and used for, the
10 purposes of this act, he shall forfeit and pay to
11 the said corporation three times the amount of
12 damage or injury caused thereby, to be recovered
13 in an action of tort; and on conviction of either of
14 the wanton or malicious acts aforesaid, may be
15 punished by a fine not exceeding three hundred
16 dollars, or by imprisonment in jail not exceeding
17 one year.

1 SECT. 8. Said corporation may purchase from
2 other owner or owners, any aqueducts, pipes, ma-

3 chinery, reservoir, pumping station, and other
4 works, property, estate and privileges in said town
5 of Orange, now owned or in process of construc-
6 tion by other parties, and by such purchase shall
7 become entitled to all rights and privileges, and
8 subject to all the liabilities and duties, appertain-
9 ing and belonging to said other parties.

1 SECT. 9. The town of Orange shall have the
2 right at any time after the passage of this act to
3 purchase the corporate property and all the rights
4 and privileges of said Orange Water Works, at
5 a price which may be mutually agreed upon be-
6 tween said corporation and said town; and the
7 said corporation is authorized to make sale of the
8 same to said town. In case said corporation and
9 said town are unable to agree, then the price to
10 be paid shall be determined by three commis-
11 sioners, to be appointed by the supreme judicial
12 court upon application of either party and notice
13 to the other, whose award when accepted by said
14 court shall be binding upon both parties. This
15 authority to purchase said franchise and property
16 is granted on condition that the same is assented
17 to by said town by a two-thirds vote of the voters
18 present and voting thereon at an annual meeting,
19 or at a legal meeting called for that purpose.

1 SECT. 10. Any owner of land or water rights
2 taken under this act, upon application by either
3 party for an estimate of damages, may require

4 said corporation to give security, satisfactory to
5 the county commissioners for the county of
6 Franklin, for the payment of all damages and
7 costs which may be awarded to him for the land
8 or other property taken. If, upon petition of such
9 owner, with notice to the adverse party, the
10 security appears to the said county commissioners
11 to have become insufficient, they shall require said
12 corporation to give further security to their satis-
13 tion, and all the right or authority of the corpor-
14 ation to enter upon or use said land and other
15 property, except for making surveys, shall be sus-
16 pended until it gives the security required.

1 SECT. 11. This act shall take effect upon its
2 passage.

